

## REMARKS

Claims 18-20 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 102

Claims 18-20 stand rejected under 35 U.S.C. § 102(b) as being used by United States Patent & Trademark Office. This rejection is respectfully traversed.

As set out in the description, at the time of the invention a basic problem with online trade mark systems was how to avoid the user becoming frustrated and the whole process reverting to a conventional (prior art) off line manual trade mark application procedure using an attorney:

*"[0008] A basic technical problem is how to provide an interface which collects the bare minimum amount of information in order to successfully automatically complete an order, without the process reverting to an off line process. Once a process reverts to a non automated off line process, then the costs associated with dealing with a trademark filing escalate rapidly, and the probability of achieving a successful order reduce, compared to the certainty of an automated online order for filing a registered trademark application."*

Streamlining the process to the basic minimum information required increases the success of online filing and increases the take up rate of applications filed online. To do this, the online process at the user end needs to be "dumbed down" to the minimum number of process and stages, and taken in the optimum order, with no significant penalty in terms of loss of user data already input, or increase in the number of keystrokes incurred at the user end, where the user navigates backwards or forwards in the procedure.

In particular, loss of input user data where the system does not "remember" data already input is often fatal to the overall success of an application using online systems, since users in general have a limited tolerance for online systems which do not reliably capture data and require a user to make repeat data input of items already input.

A further problem is that trade marks, which are represented graphically, may originate in the form of a sound, an image, a logo or a smell, and defining the mark may involve a video data file, and image data file, a text file or an audio file, none of which are easily handled by prior art online filing systems.

Some systems do not accept multiple file types, and at the time of the invention, generally text only marks were acceptable in online trade mark filing systems.

In the present disclosure, there is provided a system which has great flexibility in accepting different file types representing different types of mark, e.g. sound marks, visual marks, word marks, smell marks, colour marks etc. This is disclosed at [0141] specification as published, and throughout the specification generally.

*"[0141] Referring to FIG. 11 herein, there is illustrated schematically operation of the transaction computer and user computer, for input of data describing a trade mark file....., the user can, in any order, input data describing a text string in process 1101, input data describing a description of a trade mark in the form of text in step 1102, or activate the file select a window 1000 in process 1103 for inputting a file of any type, e.g. image, text or audio or graphic. Where the file selector window 1000 is activated, in step 1104, a user selects a file from the internal file system of the user computer. It will be understood by those skilled in the art that many different types of prior art file system are known, and the exact file system depends upon the particular user computer which is being used. In step 1005, having selected a file from the file system, the file is entered into the transaction system computer over the communications network, by activation of "add" icon 1004. The resulting trade mark data 1106 is sent to the transaction computer over the communications network."*

In the amended claims, a transaction computer is capable of receiving trade mark

data comprising a file type selected from the set: a video file, and an audio file. It will be appreciated, that the system can also accept image data files and text files in the alternative and/or in addition to the video and/ or audio file types.

This may enable the online receipt and filing of “difficult” trade mark types, that is, those defined by sound, image or video content.

## **TEAS**

TEAS at the relevant date did not accept data files in relation to a trade mark application which included elements of video, image, or audio. Rather TEAS at the relevant date was restricted to a text mark, although TEAS has subsequently, after the relevant date been modified to accept trade mark image files.

TEAS at the relevant date did not handle video or audio files.

TEAS fails to disclose or suggest the whole combination of elements comprising the independent claims pending.

## **US 7,016,851 Lee**

Lee is primarily a system for sending out documents to clients for their signature, and for automatically picking foreign associates. See claim 1 of Lee. It is not intended for filing of trademark applications having different definitions of trade mark, e.g. video marks, sound marks, image marks or the like.

## **US 2006/0190807 Tran**

Tran is a system for analysing the self consistency of a patent document, and in particular the claims. It is not directed at the filing of a trade mark application for marks which are of the video, sound or image type.

### **US 7,096,592 Pocari**

Pocari discloses a system which is specific for preparing a patent specification, in particular a system which allows a number of inventors to approve and modify a patent specification document, and agreeing on a commonly acceptable text. It is not a system which addresses the filing of a trade mark application.

### **US 2002/0093528 Grainger**

Grainger discloses a data processing system which is aimed at a "paperless" patent filing system, where all inventor, attorney, and intellectual property office correspondence is stored in paperless form. It does not specifically address the problems of online filing of a trade mark application, dealing with trade marks including video or audio file data.

### **Priority**

The present application is a continuation of international application PCT/GB 2002/003858 filed August 19, 2002, which claims priority from GB 0120213.4 filed August 18, 2001.

The priority document was filed at the International Bureau. The present application is entitled to claim priority date of August 18, 2001.

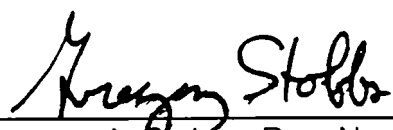
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 26, 2007

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